

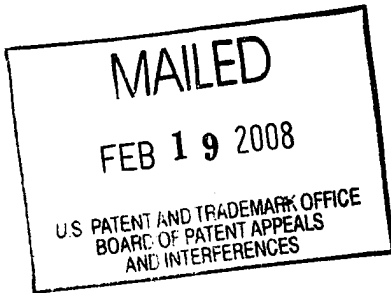
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BERND RIEDL ET AL.

Application 10/071,248

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was electronically received at the Board of Patent Appeals and Interferences on February 8, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On November 20, 2007, a PTOL-9, in the form of a Supplemental Examiner's Answer was mailed in response to a Reply Brief filed on August 18, 2007. 37 CFR 41.43 states:

Examiner's response to reply brief.

(a)(1)After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen

prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

(2) A supplemental examiner's answer responding to a reply brief may not include a new ground of rejection.

(b) If a supplemental examiner's answer is furnished by the examiner, appellant may file another reply brief under § 41.41 to any supplemental examiner's answer within two months from the date of the supplemental examiner's answer.

MPEP § 1207.05 states in part..

All Supplemental Examiner's Answers are required to obtain approval of the Technology Center Director or his/her designee. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner

1) to vacate the PTOL-90 mailed July 23, 2007, to include the approval of the Technology Center Director in accordance with 37 CFR 41.43; and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: Patrick J. Nolan
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PJN/gjh

Application No. 10/071,248

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